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Dua Lipa, Stephen Kozmeniuk, and
7 Warner Records Inc.

8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION
10

11 BOSKO KANTE, p/k/a BOSKO
12 KANTE, an individual,
13 Plaintiff,

14 v.

15 DUA LIPA, an individual; STEPHEN
16 KOZMENIUK p/k/a KOZ, an
individual; WARNER RECORDS
17 INC.; and DOES 1 through 10,
18 inclusive,
19 Defendants.

CASE NO. 2:23-cv-06186-CV-PD

Honorable Cynthia Valenzuela

**DEFENDANTS' FEDERAL RULE
OF CIVIL PROCEDURE
RULE 26(f) SCHEDULING
CONFERENCE REPORT**

1 Pursuant to the Court’s Order dated July 22, 2025 (ECF 80, the “Order”),
2 Defendants Dua Lipa, Stephen Kozmeniuk, and Warner Records Inc. (collectively,
3 “Defendants”) respectfully submit the following unilateral Scheduling Conference
4 Report.

5 Defendants submit this Report unilaterally because counsel for Plaintiff
6 Bosko Kante (“Plaintiff”) has not responded to repeated efforts to confer, as required
7 by the Order, Rule 26(f), and Judge Valenzuela’s Procedures, and to participate in
8 the preparation of a joint submission. Defendants understand that the Court’s Order
9 calls for this Scheduling Conference Report to be submitted jointly. To that end, on
10 August 12, 2025, Defendants’ counsel contacted Plaintiff’s counsel to request
11 Plaintiff’s counsel’s availability to meet and confer regarding this submission. After
12 receiving no response, Defendants’ counsel followed up on August 22, September
13 2, and September 4, 2025. To date, Defendants’ counsel has not received a response
14 from Plaintiff’s counsel regarding this submission.

15 Accordingly, Defendants file this Scheduling Conference Report unilaterally
16 in order to comply with the Court’s Order and to avoid further delay. As discussed
17 in prior filings, Plaintiff’s counsel’s lack of responsiveness has recurred throughout
18 this matter. *See* ECF 73. Defendants respectfully request the Court’s assistance in
19 moving this matter forward.

20 SCHEDULING CONFERENCE REPORT

21 A. Statement of the Case

22 Plaintiff commenced this action on July 31, 2023. ECF 1. Plaintiff filed the
23 operative Third Amended Complaint (“TAC”) on April 12, 2024. ECF 55.

24 Plaintiff alleges that in or about 2019, Plaintiff and “Defendants” (whom
25 Plaintiff fails to specify) entered into an oral agreement whereby Plaintiff agreed to
26 create and perform “talk box” vocals using the ElectroSpit Talk Box to be included
27 in the musical work entitled “Levitating,” released on Dua Lipa’s album entitled
28 *Future Nostalgia*. TAC ¶¶ 15-16, 19. Plaintiff alleges that he created original

1 melodies and lyrics, defined in the Complaint as “Plaintiff’s Work,” which were
2 included in “Levitating.” *Id.* ¶ 16.

3 Plaintiff further alleges that it was agreed that Plaintiff’s Work could be used
4 only in the original recording of “Levitating,” and “that there would be no sampling
5 or reuse of Plaintiff’s performance by Defendants.” TAC ¶ 17. Plaintiff alleges
6 Defendants Warner and Kozmeniuk breached this oral agreement and infringed his
7 copyright interests in Plaintiff’s Work by “incorporat[ing] a sample of Plaintiff’s
8 Work” into the Levitating Remixes: (i) a remix of “Levitating” by the Blessed
9 Madonna, featuring Madonna and Missy Elliott (the “Blessed Madonna Remix”),
10 (ii) a remix of “Levitating” featuring rapper DaBaby (the “DaBaby Remix”), and
11 (iii) a remix for the American Music Awards in November 2022 (the “AMA
12 Remix”). *Id.* ¶¶ 21-25.

13 Each Defendant has separately answered the TAC and denies Plaintiff’s
14 allegations. ECF 65, 66, 67. In their respective answers, Defendants assert a variety
15 of defenses, including but not limited to express and implied license, consent, lack
16 of protectability, *de minimis* use, lack of valid registration, fraud on the Copyright
17 Office, copyright misuse, failure to timely register, good faith, and lack of volitional
18 conduct. ECF 65, 66, 67.

19 **B. Subject Matter Jurisdiction**

20 This Court has original subject matter jurisdiction pursuant to 28 U.S.C.
21 § 1331, as this matter arises under the Copyright Act, 17 U.S.C. §§ 101 *et seq.*

22 **C. Legal Issues**

23 Plaintiff’s TAC raises claims of copyright infringement, breach of contract,
24 and for an accounting. ECF 55. Plaintiff’s claim for an accounting was dismissed
25 with prejudice on September 10, 2024. ECF 64. Defendants deny Plaintiff’s
26 substantive allegations and raise a number of defenses, as noted above (*supra*
27 Section A), including but not limited to license, *de minimis* use, consent, and lack of
28 originality/protectability in the purportedly infringed material. ECF 67.

1 **D. Parties and Evidence**

2 **Parties.** Plaintiff is Bosko Kante. Defendants are Warner Records Inc.,
3 Stephen Kozmeniuk, and Dua Lipa. Warner Records Inc. is a wholly-owned indirect
4 subsidiary of Warner Music Group Corp., which is a publicly traded company with
5 more than ten percent of its stock owned by AI Entertainment Holdings LLC and
6 certain of its affiliates, which are not publicly traded companies.

7 **Witnesses.** Witnesses will likely include Bosko Kante, Stephen Kozmeniuk,
8 and a corporate designee of Warner Records Inc. Because Plaintiff did not
9 participate in the preparation of this Report, it is unclear if Plaintiff plans to call
10 additional witnesses.

11 **Evidence.** Relevant evidence includes the works at issue, the invoice
12 reflecting the payment of Plaintiff's one-time fee, and communications between the
13 parties. Because Plaintiff did not participate in the preparation of this Report, it is
14 unclear what evidence Plaintiff intends to present or address beyond what is
15 mentioned herein.

16 **E. Damages**

17 Plaintiff's TAC seeks "an award of damages," "declaratory" and "injunctive"
18 relief, "punitive damages to the extent permitted by law," an "accounting," and
19 "attorneys' fees." TAC at p. 12. Because Plaintiff did not participate in the
20 preparation of this Report, it is unclear how Plaintiff calculated or intends to
21 calculate his claimed damages. Defendants deny Plaintiff's allegations and dispute
22 that Plaintiff is entitled to damages or relief of any kind, and reserve the right to seek
23 attorneys' fees and costs pursuant to 17 U.S.C. § 505.

24 **F. Insurance**

25 Defendants are not presently aware of any insurance coverage related to this
26 dispute.

1 **G. Motions**

2 Defendants do not presently anticipate making any motions seeking to add
3 other parties or claims, file amended pleadings, transfer venue, or challenge the
4 Court's jurisdiction. It is currently unknown whether Plaintiff anticipates additional
5 motions.

6 **H. Dispositive Motions**

7 Defendants anticipate filing a motion for summary judgment to dispense with
8 Plaintiff's remaining claims. It is currently unknown whether Plaintiff intends to file
9 any dispositive motions.

10 **I. Manual for Complex Litigation**

11 Defendants do not anticipate this matter will require use of the Manual for
12 Complex Litigation.

13 **J. Discovery**

14 The parties have exchanged written discovery requests and responses, as well
15 as documents. Plaintiff's deposition is currently noticed for October 15, 2025.

16 **K. Discovery Plan**

17 The parties have exchanged written discovery requests and responses, as well
18 as documents. The subjects for which discovery may be needed have largely been
19 determined between the parties through the discovery served to date and each party's
20 responses thereto. These subjects largely consist of communications between the
21 parties and financial data, all of which Defendants believe has been provided.
22 Defendants believe that further fact discovery in this litigation should be streamlined
23 given the limited scope of communications and individuals involved. Plaintiff's
24 deposition is currently noticed for October 15, 2025. Defendants also anticipate there
25 being expert discovery on issues such as industry custom and practice. Because
26 Plaintiff did not participate in preparing this Report, it is unknown whether Plaintiff
27 plans to conduct additional discovery.

Defendants do not believe any changes to the disclosures under Fed. R. Civ. P. 26(a) should be made, do not believe that discovery should be conducted in phases, do not believe that applicable limitations should be changed, and do not believe that the Court should enter other orders at this time.

L. Discovery Cut-Off

The fact discovery cut-off will be January 9, 2026, as determined by the Court's scheduling protocol reproduced in Section R below.

M. Expert Discovery

The expert discovery cut-off will be February 13, 2026, as determined by the Court's scheduling protocol reproduced in Section R below.

N. Settlement Conference / Alternative Dispute Resolution ("ADR")

Defendants have attempted to conduct settlement negotiations with Plaintiff, but those efforts have been stymied by Plaintiff's counsel's lack of responsiveness. Defendants believe this matter should be subject to Alternative Dispute Resolution in the near future. To facilitate this process in an expeditious manner, Defendants request that an early deadline for ADR proceedings be set, specifically November 28, 2025. Defendants further request that the ADR procedure be private mediation.

O. Trial Estimate

Defendants anticipate an approximately three to four day jury trial. Defendants anticipate calling 2-3 fact witnesses and 1-2 expert witnesses.

P. Trial Counsel

Lead trial counsel will be David A. Steinberg and Bradley J. Mullins. Plaintiff's lead trial counsel is currently unknown.

Q. Independent Expert or Master

Defendants do not anticipate the need for an independent expert or master. Plaintiff's position on the matter is unknown.

R. Schedule Worksheet

See below:

STANDARD SCHEDULE OF PRETRIAL AND TRIAL DATES WORKSHEET

Please complete this worksheet jointly and file it with your Joint Rule 26(f) Report.

Case No. 2:23-cv-06186-CV-PD		Case Name: <i>Kante v. Dua Lipa, et al.</i>	
Trial and Final Pretrial Conference Dates		Pl(s)' Date mm/dd/yyyy	Def(s)' Date mm/dd/yyyy
Check one: <input checked="" type="checkbox"/> Jury Trial or <input type="checkbox"/> Court Trial [Tuesday at 9:00 a.m., within 13-16 months of Scheduling Conference] Estimated Duration: 3-4 Days			06/16/2026
Final Pretrial Conference ("FPTC") [L.R. 16], Hearing on Motions <i>in Limine</i> [Friday at 11:00 a.m., at least 17 days before trial]			05/29/2026
Event <u>Note:</u> Hearings shall be on Fridays at 1:30 p.m. Other dates can be any day of the week.	Time Computation	Pl(s)' Date mm/dd/yyyy	Def(s)' Date mm/dd/yyyy
Last Date to <u>Hear</u> Motion to Amend Pleadings /Add Parties [Friday]	91 days after scheduling conference		01/09/2026
Fact Discovery Cut-Off [Friday] (no later than deadline for filing dispositive motion)	21 weeks before FPTC		01/09/2026
Expert Disclosure (Initial)	20 weeks before FPTC		01/16/2026
Expert Disclosure (Rebuttal)	18 weeks before FPTC		01/30/2026
Expert Discovery Cut-Off	16 weeks before FPTC		02/13/2026
Last Date to <u>Hear</u> Motions [Friday] • Joint brief due at least 28 days before hearing • Supplemental Memoranda (if any) due 14 days before hearing	9 weeks before FPTC		04/03/2026
Deadline to Complete Settlement Conference [L.R. 16-15] <u>Select one:</u> <input type="checkbox"/> 1. Magistrate Judge (<i>with Court approval</i>) <input type="checkbox"/> 2. Court's Mediation Panel <input checked="" type="checkbox"/> 3. Private Mediation	5 weeks before FPTC		04/24/2026
<u>Trial Filings</u> (first round) [Friday] • Motions <i>in Limine</i> • Memoranda of Contentions of Fact and Law [L.R. 16-4] • Witness Lists [L.R. 16-5] • Joint Exhibit List [L.R. 16-6.1] • Joint Status Report Regarding Settlement • Proposed Findings of Fact and Conclusions of Law [L.R. 52] (bench trial only) • Declarations containing Direct Testimony, if ordered (bench trial only)	4 weeks before FPTC		05/01/2026
<u>Trial Filings</u> (second round) [Friday] • Oppositions to Motions <i>in Limine</i> • Joint Proposed Final Pretrial Conference Order [L.R. 16-7] • Joint Agreed Upon Proposed Jury Instructions (<i>jury trial only</i>) • Disputed Proposed Jury Instructions (<i>jury trial only</i>) • Joint Proposed Verdict Forms (<i>jury trial only</i>) • Joint Proposed Statement of the Case (<i>jury trial only</i>) • Proposed Additional <i>Voir Dire</i> Questions, if any (<i>jury trial only</i>) • Evidentiary Objections to Declarations of Direct Testimony (bench trial only)	2 weeks before FPTC		05/15/2026

1 **S. Other Issues**

2 None.

3
4 DATED: September 12, 2025

MITCHELL SILBERBERG & KNUPP LLP

5
6 By: /s/ Bradley J. Mullins

7 David A. Steinberg

8 Bradley J. Mullins

9 Attorneys for Defendants Dua Lipa,

10 Stephen Kozmeniuk, and Warner

11 Records Inc.

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California, I am over the age of eighteen years and am not a party to this action; my business address is Mitchell Silberberg & Knupp LLP, 2049 Century Park East, 18th Floor, Los Angeles, CA 90067-3120, and my business email address is ldm@msk.com.

On September 12, 2025, I served a copy of the foregoing document(s) described as **DEFENDANTS' FEDERAL RULE OF CIVIL PROCEDURE RULE 26(f) SCHEDULING CONFERENCE REPORT** on the interested parties in this action at their last known address as set forth below by taking the action described below:

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☒ **BY ELECTRONIC MAIL:** I served the above-mentioned document electronically on the date indicated herein on the parties listed at the email addresses above and, to the best of my knowledge, the transmission was complete and without error in that I did not receive an electronic notification to the contrary.

I declare under penalty of perjury under the laws of the United States that the above is true and correct.

Executed on September 12, 2025, at Los Angeles, California.

/s/ Latoya Mckoy

Latoya Mckoy